CLAYMAN & ROSENBERG

Seth L. Rosenberg (SR4563)

Paul S. Hugel

(PH4749)

305 Madison Avenue

New York, NY 10165

Telephone:

(212) 922-1080

Telefax:

(212) 949-8255

Attorneys for Harvey Cohen

(BLMIS Account No. 1-B0081 designated Claim Number 014580)

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION CORPORATION,

Adv. Pro. No. 08-01789(BRL)

Plaintiff,

-against-

SIPA Liquidation

BERNARD L. MADOFF INVESTMENT SECURITIES LLC,

Defendant

OBJECTION TO TRUSTEE'S DETERMIMNATION OF CLAIM

Harvey Cohen ("Objector"), by counsel, CLAYMAN & ROSENBERG, hereby objects to the Notice of Trustee's Determination of Claim dated December 8, 2009 (the "Determination Letter"), appended hereto as Exhibit A, as set forth herein.

BACKGROUND

- 1. Objector is a "Customer" as that term is defined by the Securities Investor Protection Act ("SIPA") of Bernard L. Madoff Investment Securities LLC ("BLMIS").
- 2. Objector was and is a member of Bull Market Fund, a general partnership organized in the State of New York in 1986.
- 3. The Bull Market Fund partnership was organized with the knowledge and encouragement of BMLIS for the purpose of consolidating the bookkeeping for the investment of certain small investors with BLMIS.
- 4. Bull Market Fund received a final statement from BLMIS which indicated that Bull Market Fund owned securities valued at \$36,833,462.86.
- 5. On or about December 31, 2008, Objector received a statement from Bull Market Fund which indicated that Objector's funds invested by Bull Market Fund in BLMIS were valued at \$1,405,753.
- 6. On December 11, 2008, the above-captioned liquidation proceeding was commenced against BLMIS, pursuant to the Securities Investor Protection Act of 1970 ("SIPA"). Irving Picard was appointed Trustee ("BLMIS Trustee") with oversight of the liquidation of BLMIS and responsibility for processing customer claims for money pursuant to SIPA.
- 7. By Order dated December 23, 2008, the Court directed the Trustee to disseminate notice and claim forms to BLMIS customers and set forth claim-filing deadlines. The Order further authorized the Trustee, *inter alia*, "to satisfy, within the limits provided by SIPA, those portions of any and all customer claims and accounts which agree with the Debtor's books and records," and provided that, where the BLMIS Trustee disagrees with the amount claimed in a

customer's claim form, the BLMIS Trustee, "shall notify such claimant by mail of his determination that the claim is disallowed, in whole or in part, and the reason therefor..."

- 8. On or about June 22, 2009, Objector timely submitted a customer claim form to SIPC setting forth his claim in the amount of \$1,405,753 ("Objector's claim"). Objector's claim cross-referenced the BLMIS account of Bull Market Fund. A copy of Objector's claim form is appended hereto as Exhibit B.
- 9. On December 8, 2009, the BLMIS Trustee sent Objector a Determination Letter denying Objector's claim, "in its entirety." Exhibit A. The Determination Letter stated, in part, "Based upon a review of available books and records of BLMIS by the Trustee's staff, you did not have an account with BLMIS. Because you did not have an account, you are not a customer of BLMIS under SIPA as that term is defined at 15 U.S.C. Section 78111 (2). Accordingly, your Claim for securities and/or a credit balance is **DENIED**."
- 10. Objector objects to the BLMIS Trustee's disallowance of his claim for the reasons set forth hereinbelow.

GROUNDS FOR OBJECTION

- 11. First: The Trustee's definition and application of the term, "account" as set forth in the Determination Letter is incorrect.
- 12. Second: The Trustee's definition and application of the term, "customer" as set forth in the Determination Letter is incorrect.
- 13. Objector reserves the right to revise or amend this Objection. Objector's failure to assert an objection on a particular ground or grounds shall not be construed as a waiver of its right to object or join in the objection of other claimants on any additional grounds.
 - 14. Objector reserves all rights set forth in Rule 9014.

Objector incorporates herein by reference all claims and reservations of rights set 15. forth in Objector's claim form. Exhibit B.

RELIEF SOUGHT

- 16. Objector's claim should be allowed in its entirety.
- 17. The Court should direct SIPC to pay Objector the full amount of Objector's claim together with interest thereon commencing not later than the date of the Determination Letter.
 - Such other and further relief as the Court may deem just and equitable. 18.

Dated: New York, New York January 6, 2010

CLAYMAN & ROSENBERG

Seth L. Rosenberg (SR 4563)

Paul S. Hugel

(PH4749)

305 Madison Avenue.

New York, NY 10165

Telephone: (212) 922-1080

Telefax:

(212) 949-8255

rosenberg@clayro.com

hugel@clayro.com

EXHIBIT A

DETERMINATION LETTER

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BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

DECEMBER 11, 2008¹

NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM

December 8, 2009

HARVEY COHEN 34 COUNTRY DRIVE PLAINVIEW, NY 11803

Dear HARVEY COHEN:

PLEASE READ THIS NOTICE CAREFULLY.

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim designated as Claim No. 014580:

Based on a review of available books and records of BLMIS by the Trustee's staff, you did not have an account with BLMIS. Because you did not have an account, you are not a customer of BLMIS under SIPA as that term is defined at 15 U.S.C. § 78/// (2). Accordingly, your Claim for securities and/or a credit balance is **DENIED**.

PLEASE TAKE NOTICE: If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you <u>MUST</u> file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court **and** the Trustee within **THIRTY DAYS** after December 8, 2009, the date on which the Trustee mailed this notice.

¹ Section 78//(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 78//(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

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PLEASE TAKE FURTHER NOTICE: If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

PLEASE TAKE FURTHER NOTICE: If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

PLEASE TAKE FURTHER NOTICE: You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for the Southern District of New York One Bowling Green New York, New York 10004

and

Irving H. Picard, Trustee c/o Baker & Hostetler LLP Attn: Claims Department 45 Rockefeller Plaza New York, New York 10111

Irving H. Picard

Trustee for the Liquidation of the Business of Bernard L. Madoff Investment Securities LLC

EXHIBIT B

CUSTOMER CLAIM FORM

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34 COUNTRY DRIVE PLAINVIEW, NY 11803

June 22, 2009

Via UPS Overnight

Irving H. Picard, Esq.
Trustee for Bernard L. Madoff Investment Securities LLC
Claims Processing Center
2100 McKinney Avenue, Suite 800
Dallas, Texas 75201

Re:

Account Number: 1-B0081

Harvey Cohen through Bull Market Fund

Dear Mr. Picard:

I am a partner in Bull Market Fund, which had an account with Bernard L. Madoff Investment Securities ("BLMIS"), Account No. 1-B0081.

It is my understanding that Bull Market Fund has submitted its own SIPC Customer Claim Form to your office.

I wish to submit my own personal SIPC Customer Claim Form at this time. I am attaching the following:

- 1. My SIPC Customer Claim Form;
- 2. Bull Market Fund's November 30, 2008 BLMIS statement;
- 3. My 2007 Schedule K-1; and

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4. My personal account balance as of December 11, 2008.

I reserve the right to amend or modify this claim if and to the extent warranted by facts and circumstances not presently known to me, or as a result of a subsequent determination by a court of competent jurisdiction with respect to any issue pertaining to my claim.

This letter is hereby incorporated by reference in and made a part of my SIPC Customer Claim Form.

Very truly yours,

Harvey Cohen

G:\Legal\MADOFF\Correspondence\Picard\Entity Investors\IHPicard Ltr - Harvey Cohen 6-09 doc

08-01789-cgm Doc 1408 Filed 01/07/10 Entered 01/07/10 11:47:26 Main Document Pg 10 of 37 **CUSTOMER CLAIM** Claim Number Date Received BERNARD L. MADOFF INVESTMENT SECURITIES LLC In Liquidation **DECEMBER 11, 2008** (Please print or type) HARVEY COHEN THROUGH BULL MARKET FUN Name of Customer: Mailing Address: 34 COUNTRY DRIVE Zip: 11803 State: NY City: PLAINVIEW 1-B0081 BULL MARKET FUND'S ACCOUNT NO .: Account No.: Taxpayer I.D. Number (Social Security No.): BEFORE COMPLETING THIS CLAIM FORM, BE SURE TO READ CAREFULLY NOTE: THE ACCOMPANYING INSTRUCTION SHEET. A SEPARATE CLAIM FORM SHOULD BE FILED FOR EACH ACCOUNT AND, TO RECEIVE THE FULL PROTECTION AFFORDED UNDER SIPA, ALL CUSTOMER CLAIMS MUST BE RECEIVED BY THE TRUSTEE ON OR BEFORE March 4, 2009. RECEIVED AFTER THAT DATE, BUT ON OR BEFORE July 2, 2009, WILL BE SUBJECT TO DELAYED PROCESSING AND TO BEING SATISFIED ON TERMS LESS FAVORABLE TO THE CLAIMANT. PLEASE SEND YOUR CLAIM FORM BY CERTIFIED MAIL - RETURN RECEIPT REQUESTED.

Claim for money balances as of December 11, 2008:

	The Broker owes me a Credit (Cr.) Balance of	Ψ	
•	I owe the Broker a Debit (Dr.) Balance of	\$	
	If you wish to repay the Debit Balance,		

please insert the amount you wish to repay and attach a check payable to "Irving H. Picard, Esq., Trustee for Bernard L. Madoff Investment Securities LLC." If you wish to make a payment, it must be enclosed -0with this claim form. NONE

If balance is zero, insert "None."

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2. Claim for securities as of December 11, 2008:

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		YES	<u> </u>
a.	The Broker owes me securities	<u>X</u>	
b.	I owe the Broker securities	<u> </u>	ζ
C.	If yes to either, please list below:		
		Number of S Face Amount	hares or of Bonds
Date of Transaction (trade date)	Name of Security	1110 010	l Owe he Broker (Short)
	SEE BULL MARKET FUND ACCOUNT STATEMENT	\$1,405,753*	
		<u> </u>	<u> </u>

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or information regarding any withdrawals you have ever made or payments received from the Debtor.

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.

502180406

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* PROVIDED BY BULL MARKET, SEE SUPPLEMENTAL CLAIM INFORMATION ATTACHMENT A

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NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.

	YES	NO
3. Has there been any change in your account since December 11, 2008? If so, please explain.		X
4. Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?		X
5. Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?		X
6. Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s)	•	<u> </u>
7. Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.		X
8. Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names,	x *	
addresses and phone numbers. 9. Have you or any member of your family	<u>X</u> **	

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If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.

THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.

Date _	JUNE 22, 2009	Signature	Hereny Cortion	
Date_		Signature		
	والمستحدد والمستحدد	unt is shared, all must sign and extent of ownership on e.g., corporate, trustee, custo	odian, etc., also state you	•• ••

and authority. Please supply the trust agreement or other proof of authority.)

This customer claim form must be completed and mailed promptly, together with supporting documentation, etc. to:

Irving H. Picard, Esq.,
Trustee for Bernard L. Madoff Investment Securities LLC
Claims Processing Center
2100 McKinney Ave., Suite 800
Dallas, TX 75201

SUPPLEMENTAL CLAIM INFORMATION ATTACHMENT A

Claimant is filing this claim form as a customer of Bernard L. Investment Securities LLC ("BLMIS"), having invested in BLMIS through a partnership, Bull Market Fund ("BMF"). Pursuant to the partnership agreement of BMF and other written agreements amongst the Partners of BMF, BMF invested all of its funds with BLMIS. BMF has informed claimant that its customer account number with BLMIS was 1-B0081. BMF has also advised claimant that it is filing a customer claim for the losses in its customer account with BLMIS.

BMF typically issued quarterly statements showing each partner's account summary. In light of the BLMIS fraud, BMF issued a statement to each partner showing their closing balance as of December 10, 2008, a copy of which is enclosed. Claimant believes that as of December 11, 2008, the amount of claimant's investment was all held in the securities as shown on the November 30, 2008 BLMIS statement for BMF, a copy of which is also enclosed.

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New York

London

BULL MARKET FUND
F/K/A BLUMENFELD DEV GROUP LTI 300 ROBBINS LANE III AN

> 885 Third Avenue New York, NY 10022 Fax (212) 838-4061 (212) 230-2424 800 334-1343

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INVESTMENT SECURITIES LLC BERNARD L. MADOFF

New York

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New York, NY 10022 Fax (212) 838-4061 (212) 230-2424 800 334-1343

885 Third Avenue

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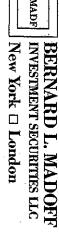
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Madoff Securities International Limited

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12 Berkeley Street

PI FASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES



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F/K/A BLUMENFELD EMPLOYEES

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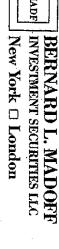
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F/K/A BLUMENFELD EMPLOYEES
C/O BLUMENFELD DEV GROUP LTD

BULL MARKET FUND

885 Third Avenue

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BULL MARKET FUND

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Madoff Securities International Limited Mayfair, London W1J 8DT 12 Berkeley Street

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F/K/A BLUMENFELD EMPLOYEES
C/O BLUMENFELD DEV GROUP LTD
300 ROBBINS LANE

BULL MARKET FUND

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New York, NY 10022 (212) 230-2424 800 334-1343 Fax (212) 838-4061 885 Third Avenue

YOUR ACCOUNT NUMBER

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1-80081-3-0 11/30/08 YOUR TAX PAYER IDENTIFICATION NO MBER *****6934

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BERNARD L. MADOFF
INVESTMENT SECURITIES LLC New York

London

New York, NY 10022 (212) 230-2424 Fax (212) 838-4061 800 334-1343

885 Third Avenue

Madoff Securities International Limited

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12 Berkeley Street

Mayfair, London W1J 8DT Tel 020 7493 6222

F/K/A BLUMENFELD EMPLOYEES
C/O BLUMENFELD DEV GROUP LTD
300 ROBBINS LANE BULL MARKET FUND T62.TT AN

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BERNARD L. MADOFF
INVESTMENT SECURITIES LLC

New York

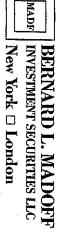
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300 ROBBINS LANE BULL MARKET FUND F/K/A BLUMENFELD EMPLO C/O BLUMENFELD DEV GRO

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BULL MARKET FUND

Fax (212) 838-406 (212) 230-2424 800 334-1343

New York, NY 10022

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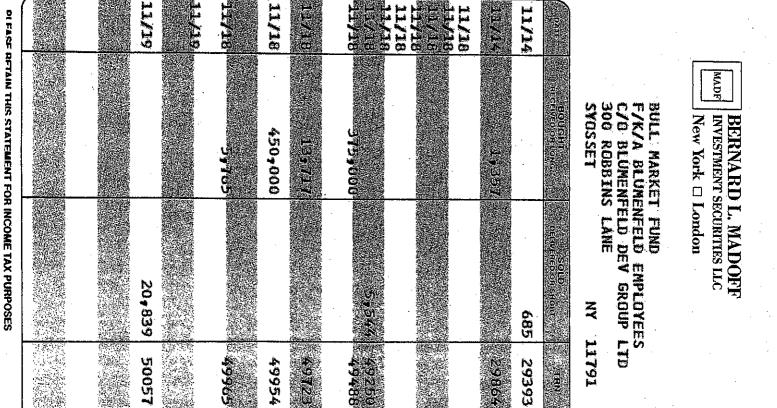
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New York, NY 10022 Fax (212) 838-4061 885 Third Avenue (212) 230-2424 800 334-1343 Madoff Securities International Limited

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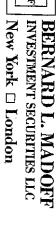
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Mayfair, London W1J 8DT Tel 020 7493 6222 11

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Fax (212) 838-4061

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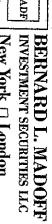
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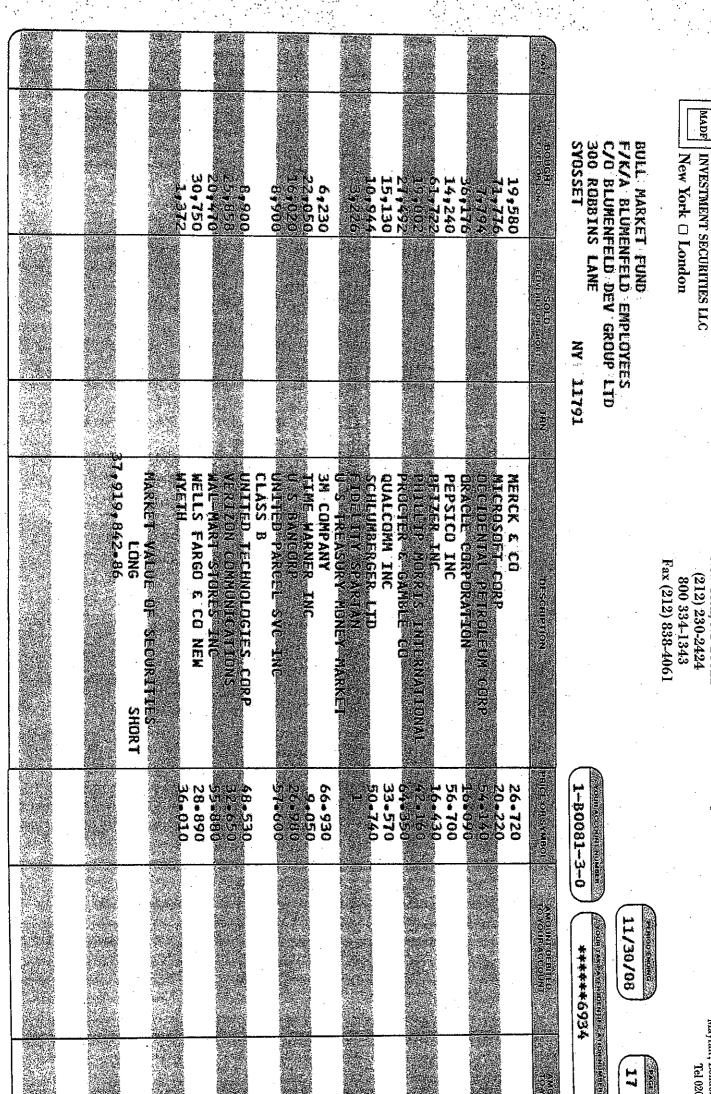
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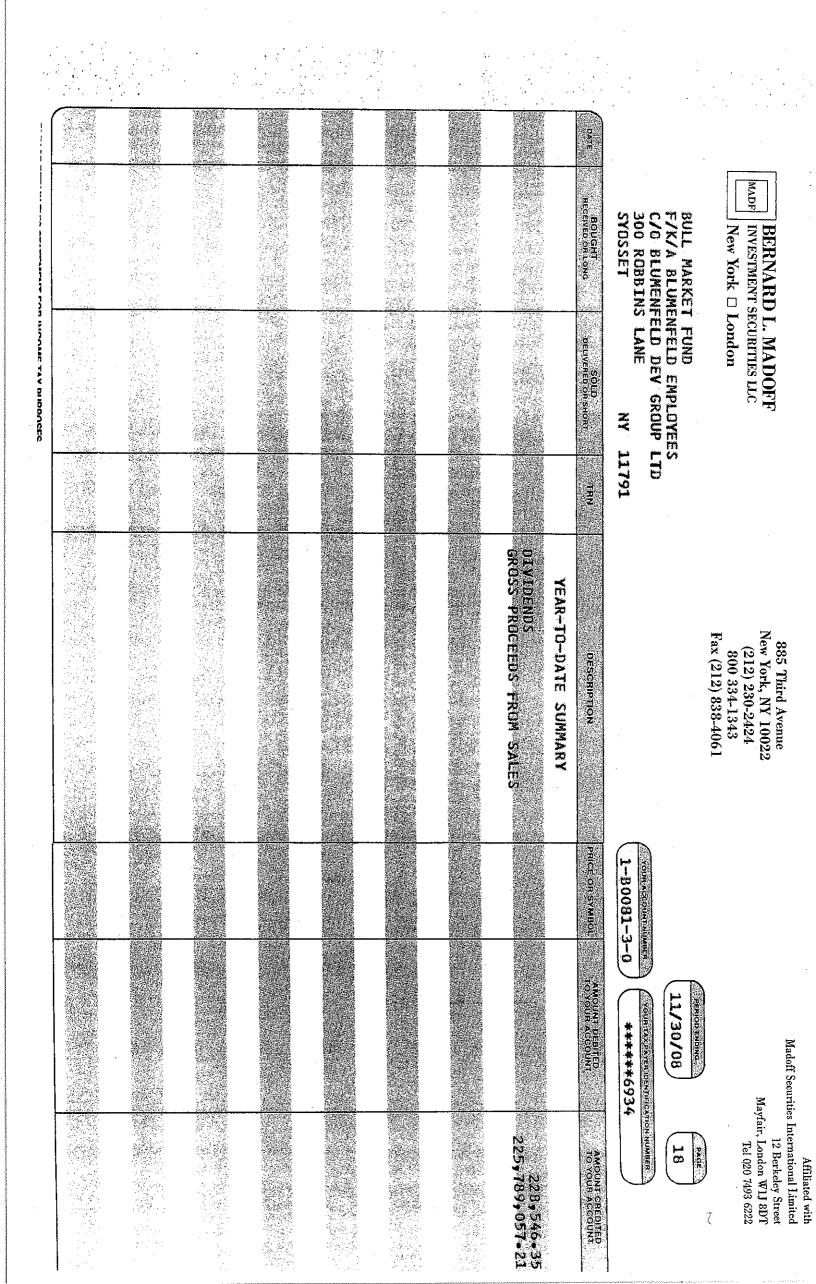
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BERNARD L. MADOFF

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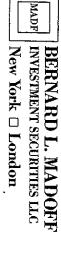


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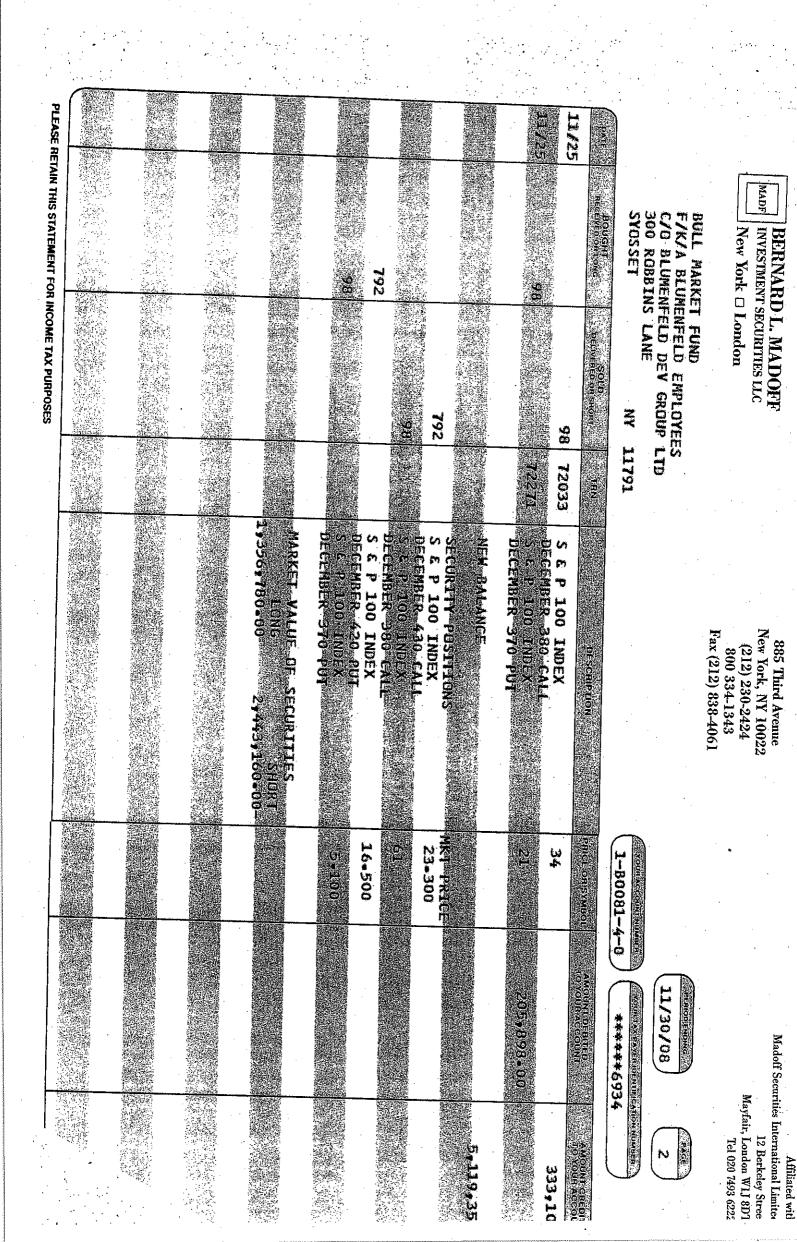
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PLEASE RETAIN THIS STATEMENT FOR INCOME TAX PURPOSES

Madoff Securities International Limited 12 Berkeley Street Affiliated with

Mayfair, London W1J 8DT Tel 020 7493 6222



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Schedule K-1 (Form 1085)	Final K-1 Amen	ided K-1 OMB No. 1545-0099
(Form 1065) For calendar year 2007, or tax	Part III Partner's Shar	e of Current Year Income,
Department of the Treasury year beginning	Deductions, C	redits, and Other Items
Internal Revenue Service ending	1 Ordinary business income (loss)	15 Credits
Partner's Share of Income, Deductions,	0.	
Credits, etc.	2 Net rental real estate income (loss	
► See separate instructions.		16 Foreign transactions
Part I Information About the Partnership	3 Other net rental income (loss)	
	<u> </u>	
A Partnership's employer identification number	4 Guaranteed payments	
11-2796934		· · · · · · · · · · · · · · · · · · ·
B Partnership's name, address, city, state, and ZIP code	5 Interest income 17,077.	· - · · · · · · · · · · · · · · · ·
BULL MARKET FUND	6a Ordinary dividends	
300 ROBBINS LANE	10,212.	17 Alternative min tax (AMT) items
SYOSSET, NY 11791	6b Qualified dividends	T Alectricative man tax (AWIT) floring
C IRS Center where partnership filed return	du dualities dividends	
OGDEN, UT	7 Royalties	
	1 1	18 Tax-exempt income and
D Check if this is a publicly traded partnership (PTP)	8 Net short-term capital gain (loss)	nondeductible expenses
Silver in the appealor, that a partition of the transfer in th	94,310.	
	9a Net long-term capital gain (loss)	
Part II Information About the Partner		
E Partner's identifying number	9h Collectibles (28%) gain (loss)	19 Distributions
, .	<u>.</u>	A 22,000.
-1730	9c Unrecaptured sec 1250 gain	
F Partner's name, address, city, state, and ZIP code		20 Other information
	10 Net section 1231 gain (loss)	A 27,289.
HARVEY ALAN COHEN	<u> </u>	W* 17,077.
34 COUNTRY DRIVE	11 Other income (loss)	
PLAINVIEW, NY 11803	C 3,641.	-
G X General partner or LLC Limited partner or other LLC member		<u> </u>
· · · · · · · · · · · · · · · · · · ·	12 Section 179 deduction	
H LX! Domestic partner L Foreign partner What type of entity is this partner? INDIVIDUAL	12 Section 179 deduction	
1 What type of endy is this partier? TRDIVIDAD	13 Other deductions	
J Partner's share of profit, loss, and capital:		
Beginning Ending		
Profit VARIOUS% VARIOUS%		
Loss VARIOUS% VARIOUS%	14 Self-employment earnings (loss)	
Capital VARIOUS% VARIOUS%		
K Partner's share of liabilities at year end:		
Nonrecourse \$	*See attached statement for additi	onal information.
Qualified nonrecourse financing \$		
Recourse \$ 0.		
L. Partner's capital account analysis:	≥	
Beginning capital account	Ouly	•
Capital contributed during the year \$\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Use	
Current year increase (decrease) \$ 125,240	. S. S.	
Withdrawals & distributions \$(22,000.) 	•
Ending capital account \$\frac{1,274,758}{\}.	, " .	
X Tax basis GAAP Section 704(b) book		•
Other (explain)	<u> </u>	
JWA For Paperwork Reduction Act Notice, see Instructions for Form 1065.		Schedule K-1 (Form 1065) 2007

MEMORANDUM

TO: Harvey Cohen

FROM: Harvey Cohen

RE: Bull Market Fund

DATE: December 31, 2008

Please find below your balance in the Bull Market Fund as of December 10, 2008. This includes your November 30, 2008 balance plus any additions, if applicable, made subsequent to November 30, 2008 and sent to Bernard L. Madoff Investment Securities, LLC.

Account Balance as of December 10, 2008: \$1,405,753

Please call me if I can be of further service.

DECLARATION OF SERVICE

State of New York, County of New York)ss:

Ramsey Hinkle an attorney admitted to practice in the courts of New York, hereby declares:

I am not a party to this action, am over 18 years of age and am an associate at the law office of Clayman & Rosenberg, LLP 305 Madison Avenue, New York, New York 10165.

On January 6, 2010, I served a true copy of the annexed OBJECTIONS TO TRUSTEES DETERMINATIONS by depositing the same with an overnight delivery service in a wrapper properly addressed, the address having been designated by the addressee for that purpose. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

VIA FEDERAL EXPRESS

Irving H. Picard, Trustee c/o Baker and Hostetler LLP 45 Rockefeller Plaza – 11th Floor New York, New York 10111

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed on: January 6, 2010

New York, New York

Ramsey Hinkle